

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6129 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE RAVI R. TRIPATHI

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

PRABHATSINH SOMABHAI DABHI

Versus

G.S.R.T.

Appearance:

MR MUKESH H RATHOD for Petitioner
MR HARDIK C RAWAL for Respondent No. 1

CORAM : MR.JUSTICE RAVI R. TRIPATHI

Date of decision: 12/01/2001

ORAL JUDGEMENT

The present petition is filed against the award passed in reference [L C] No.296/83. The facts of the case are that the petitioner serving as Conductor was working on a particular route for last about seven years

and when the respondent-corporation changed the route by transferring him, he tendered the resignation. A copy of the same is produced on record at Exh.13/1 wherein he stated that if his route is changed, he stands resigned from 5/6/82. In fact there is no material on record which can co-relate his resignation on account of the change of route and his absence from 14/9/82 to 3/10/82. As the Labour Court has discussed in detail, the petitioner has remained absent for the aforesaid period i.e. from 14/9/82 to 3/10/82 but the Labour Court has come to the conclusion that the same can not be considered to be a serious offence. Therefore, the order of dismissal which was passed on 14/12/82 came to be cancelled by the order dated 24/10/86 and the punishment of stoppage of one increment for a period of one year was imposed. The Labour Court has thought it fit not to award any back wages. Being aggrieved of that, the present petition is filed.

Looking to the facts and material on record of the case, the award passed by the Labour Court does not warrant any interference at the hands of this court. Therefore, this S.C.A. is dismissed. Rule is discharged. No order as to costs.

[Ravi R.Tripathi, J]

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